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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Confirmation No.: 7752

Dario REA et al.

Group Art Unit: 3721

Serial Number: 10/569,553

Examiner: LOW, Lindsay M.

Filed: February 27, 2006

Atty. Docket No. 023349-00316

For: DOSING DEVICE FOR FEEDING AN INFUSION PRODUCT

REQUEST TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

Date: July 16, 2007

This is in response to the Notice of Abandonment (copy attached) that was mailed from the U.S. Patent and Trademark Office to the firm of Arent Fox LLP on June 13, 2007.

The Notice of Abandonment indicates the above-identified application is abandoned because Applicant's failure to timely file a proper reply to the Office letter mailed on December 5, 2006.

However, Applicants respectfully request the Commissioner withdraw the holding of abandonment of the above-referenced application and respectfully submit that a Response, replacement Figure 1, together with a three month Petition for Extension of Time and the fee of \$1,020.00 were timely filed in the U.S. Patent Office on June 5, 2007 in response to the Office Action dated December 5, 2006.

For the convenience of the Commissioner, copies of the Response, replacement Figure 1, Petition for Extension of Time, and check receipt no. 467174 are attached.

Furthermore, Applicants also submit a copy of the PTO date-stamped postcard evidencing receipt by the Patent Office of the documents filed on June 5, 2007, as well as

a printout of the file history wrapper from PAIR showing the June 5, 2007 Response was scanned into PAIR on June 5, 2007.

Any fees associated with this communication should be waived since the evidence submitted herewith shows that the Applicants timely filed a response to the December 5, 2006 Office Action and that the application should not have been deemed abandoned.

Should withdrawal from abandoned status not be granted immediately, this Petition should be considered to be a petition to the Commissioner under 37 C.F.R. 1.181-1.183, including a petition that all fees in connection therewith be waived because it is clear that the Applicants are not at fault in this matter.

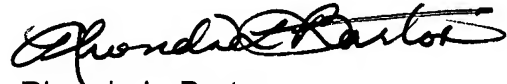
Should any such Petition under 37 C.F.R. 1.181-1.183 not immediately be granted, this Request should be considered to be a Petition under 37 C.F.R. 1.137(a) or 1.137(b), including a petition that all fees in connection therewith be waived because it is clear that the Applicants are not at fault in this matter.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 01-2300, **referencing Docket No. 023349-00316**. A duplicate copy of this Petition is attached.

U.S. Application Serial Number 10/569,553
Attorney Docket Number: 023349-00316

Should the appropriate official of the U.S. Patent and Trademark Office have any questions, that official is requested to telephone the Applicant's undersigned attorney.

Respectfully submitted,



Rhonda L. Barton
Registration No. 47,271

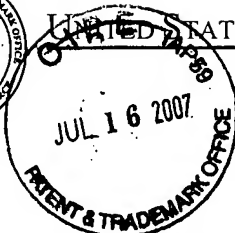
Enclosures: Notice of Abandonment
June 5, 2007 Response
Replacement Fig. 1
Check Receipt No. 467174
PTO Date-Stamped Postcard
Printout from PAIR
Duplicate Copy of Petition to Withdraw Holding of Abandonment

Customer No. 004372
ARENT FOX LLP
1050 Connecticut Avenue, N.W., Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810

RLB/elp



UNITED STATES PATENT AND TRADEMARK OFFICE



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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/569,553

02/27/2006

Dario Rea

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7752

4372 7590 06/13/2007
ARENT FOX PLLC
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

Billings
6/12

EXAMINER

LOW, LINDSAY M

ART UNIT

PAPER NUMBER

3721

MAIL DATE

DELIVERY MODE

06/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Notice of Abandonment

Application No.

10/569,553

Examiner

Lindsay M. Low

Applicant(s)

REA ET AL.

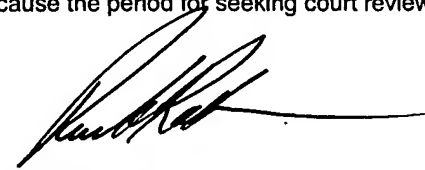
Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 05 December 2006.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.